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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD
VIJAYAWADA**

SRI SHAIK FIROZE, S/o NAZEER BASHA APPOINTED AS A MUTAWALLI IN TAKIYA SUNNI SITUATED AT KOVVUR (V & M), SPSR NELLORE DISTRICT FOR A PERIOD OF (2) YEARS.

- Read :1) Representation of Sri Shaik Firoze, S/o Nazeer Basha, R/o Netaji Nagar, Kovvur Village and Mandal, SPSR Nellore District, Dated: 06-02-2018.
- 2) Report of the I.A.Waqf, SPSR Nellore District, vide IAW/NLR/15/2018, Dated: 29-03-2018.
- 3) This Office Notification of even No., Dated: 03-05-2018.
- 4) Report of the I.A.Waqf, SPSR Nellore District, Dated: 25-06-2018 along with news paper clipping.
- 5) Orders of the Hon'ble Chairperson, Dated: 13-08-2018.
- 6) Board Resolution No.110/2018, Dated:29-08-2018
- 7) This office letter even No. Dated: 18-09-2018.
- 8) Joint inspection report submitted by Hon'ble Board Members, APSWB, Dated: 16-10-2018., endorsement of the Hon'ble Chairperson, APSWB, Dt: 19-10-2018.
- 9) Board's resolution No. 145 /2018, Dated: 13-11-2018.
- 10) Orders of the Hon'ble Chairperson, APSWB, Dated: 15-11-2018.

F.No. 01/M/NLR/2018/Z-IV,- The Waqf institution namely Takiya Sunni situated at Kovvur Village and Mandal SPSR Nellore District is a notified Waqf published in A.P. Gazette No.18-A, Part-II, dated: 02-05-1963 at serial No. 142 under the Mutawalli-ship of Sri Md. Ghouse Saheb, the object of Waqf is maintenance of Takiya. This institution having Landed property bearing Sy.No.1154/1 to an extent of Ac.10.12, Sy.No. 1154/3 to an extent of Ac.2.50 cents, Sy.No.1156 to an extent of Ac.0.17 cents totally Ac. 12.79 cents.

In the reference 1st cited, Sri Shaik Firoze, S/o Nazeer Basha, R/o Netaji Nagar, Kovvur Village and Mandal, SPSR Nellore District, has requested for appointment of Mutawalli in place of his fore father of Sri Md. Ghouse Saheb Notified Mutawalli.

In the reference 2nd cited, the I.A. Waqf, SPSR Nellore District, has reported that the applicant Sri Shaik Firoze S/o Nazeer Basha is look after the affairs of Takiya as evidence of report submitted by Panchayath secretary of kovvur, dated: 13-12-2017 and also celebrate the Moharram every year with his own funds. The existing Takiya as constructed by applicant with his own funds to an extent of 439 Sq. Mtrs in Sy.No.1154/1 of Kovvur Village 15 years back.

Further the Inspector Auditor, Waqf, SPSR Nellore District, has requested appoint to Sri Shaik Firoze as Mutawalli in place his fore father of Sri Md. Ghouse Saheb Notified Mutawalli of the subject Waqf Institution with a condition to co-operate Board Authorities for recovery of encroached Waqf property.

In the ref. 3rd cited, this office has issued paper notification for calling claims and objections for appointment of Mutawalli U/sec. 63 of Waqf Act, 1995 to Sri Shaik Firoze, S/o Nazeer Basha within a period of (15) days from the date of Publication of this Notification with documentary evidence, otherwise the matter will be decided on the basis of the material available on record.

In the ref. 4th cited, the Inspector Auditor, Waqf, SPSR Nellore District, has reported that paper notification has published in the Eenadu Telugu Daily News Paper SPSR Nellore District Edition on i.e. 14-05-2018 and there is no claims or Objections received within period of (15) Days from the date of Publication.

In the ref. 5th cited, the matter was placed before the Hon'ble Chairperson, who has passed order to place the matter before the Board meeting for decision. Accordingly, the Board has passed Resolution unanimously vide ref. 6th cited, that the Hon'ble Board Members shall inspect the institution and submit detail report to take decision in the next Board meeting.

This office has requested to all the Hon'ble Board Members vide the ref. 7th cited, to make it convenient and inspect the subject institution and submit detail report for place the matter before the Board.

Accordingly, the Hon'ble Board Members has submitted the report vide the ref. 8th cited, that they have inspected the subject institution on 29-09-2018. During their inspection Janab. Shaik Firoz has met to them and explained the details of the attached properties and difficulties on the ground and shown all the attached Waqf Lands which are under encroachment. The Hon'ble Members have recommended to

Janab. Shaik Firoz, Kovvur Village and Mandal, SPSR Nellore District, may be recognized as Mutawalli with a condition for the sake of property according to Waqf Act, 1995 and also to arrange Moharram Festival every Year properly as per Village tradition.

The Hon'ble Chairperson, APSWB, has endorsed on the Joint inspection report of the Hon'ble Board Members, that the matter place before the Board Meeting on 25-10- 2018 for taking decision.

Accordingly, the said matter was placed before the Board, and the Board has passed a resolution in the reference 9th read above , "It is unanimously resolved to appoint Sri Shaik Firoze , S/o Nazeer Basha as Muthawalli for the subject Waqf Institution U/Sec. 63 of Waqf Act, 1995 for a period of Two (2) years for managing the affairs of the subject Waqf Institution and by following Waqf Act, 1995 and Waqf Rules from the date of issue of this orders".

Accordingly, Sri Shaik Firoze , S/o Nazeer Basha is hereby appointed as Mutawalli U/sec. 63 of Waqf Act, 1995 for a period of two (2) years w.e.f. 15-11-2018 to 14-11-2020 in respect of subject Waqf Institution.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts Budget Income & Expenditure statements and paid Waqf Fund properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow Inspector Auditor Waqfs regarding property accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do be or under this Act.
- f) Shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any fact.
- g) That the Mutawalli is restrictor to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural land. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding 10% of the Net annual Income.

As per Sec. 101 (2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal act if any, every member of the committee will be liable for penal action. The Committee shall also noted that Sec.3 (ee) defined encroacher, sec. 52-A explain rigorous punishment upto (2) years and Sec.61 speaks penalty and punishment upto (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain account scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,

Chief Executive Officer,

*Andhra Pradesh State Waqf Board,
Vijayawada.*

Dated: 15-11-2018.

To

Sri Shaik Firoze, S/o Nazeer Basha,

Mutawalli Takiya Sunni, Kovvur (V & M), SPSR Nellore District.

(Through I.A.Waqf, SPSR Nellore District.)

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